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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,310	01/30/2004	James Robert Dupuy	018778-9224	6329

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EXAMINER

BRAHAN, THOMAS J

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/768,310	Applicant(s) DUPUY ET AL.	
	Examiner Thomas J. Brahan	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 16-20, 22, 26-34 and 36-40 is/are rejected.
- 7) ☒ Claim(s) 21, 23-25 and 35 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirement of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 16-20, 22 and 27-30 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ringdahl et al '693. Ringdahl et al '693 shows a wheelchair lift comprising:

a platform (308) for carrying a passenger;

a lifting mechanism (upper pivot arm 334, lower pivot arm 336 and vertical channel beam 340 and motor 348) secured at one end to a vehicle and at the other end to the platform (308) adjacent to an inboard end of the platform for moving the platform between a ground level position, a transfer level position and a vertically-stowed position, wherein the lifting mechanism comprises a vertical arm (vertical channel beam 340) secured adjacent to the inboard end of the platform, the platform pivotable about an axis on the vertical arm;

a plate (barrier 316) pivotally connected to the inboard end of the platform (308) and moveable between a raised barrier position and a lowered bridging position;

a first linkage (vertical housing 346, link arms 368 and 370, and the links at motor 348) extending between a location on the vertical arm (340) of the lifting mechanism and the platform for moving the platform from the transfer level position to the vertically stowed position; and

a second linkage (cam follower 390, follower arm 392, cable 396 and cable sheath 398) extending between the plate (316) and a location on the first linkage (on vertical housing 346) for moving the plate (316) between the raised barrier position and the lowered bridging position.

The lifting mechanism comprises a parallelogram structure (334 and 336), as recited in claim 17. The first linkage includes a telescoping member (screw nut 354) as recited in claim 18. The first linkage includes a pair of arms (346 and 368) of unequal length, as recited in the beginning of claim 19 and in claim 20. The second linkage has an actuator link (390) pivotally extending from the longer arm (346) for raising the plate (316) as recited in claim 19. The first linkage has a first arm (368) extending from the lifting mechanism and a second arm (370) extending from the platform, as recited in claim 22. Movement of the lifting mechanism (334) causes the plate (316) to move, as broadly recited in claim 27. When considering claims 26 and 28, the first linkage can be considered as including cam follower (390) as the follower is connected to vertical housing (346) as to have contact with member (388; an element on the

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parallelogram structure) of the lifting mechanism move the plate (316), by acting on the second linkage (396 and 398) as recited in claims 29 and 30.

3. Claims 31-34 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ringdahl et al '693. Ringdahl et al '693 shows a wheelchair lift comprising:

- a platform (308) for carrying a passenger;

- a lifting mechanism (motor 320, the links at the motor, upper pivot arm 334, lower pivot arm 336 and vertical channel beam 340) secured at one end to a vehicle and at the other end to the platform (308) adjacent to an inboard end of the platform (308) for moving the platform between a ground level position, a transfer level position and a vertically-stowed position, wherein the lifting mechanism comprises a vertical arm (vertical channel beam 340) secured adjacent to the inboard end of the platform (308);

- a plate (barrier 316) pivotally connected to the inboard end of the platform (308) and moveable between a raised barrier position and a lowered bridging position; and

- a linkage (cam follower 390, cable 396, and cable sheath 398) coupled to the plate for moving the plate between the raised barrier position and the lowered bridging position, the linkage extending between a location on the vertical arm of the lifting mechanism and the platform for moving the platform from the transfer level position to the vertically-stowed position, wherein the linkage comprises a telescoping member (396 and 398).

The linkage has a first arm (390) extending from the lifting mechanism and a second telescoping arm (396) extending from the platform, as recited in claims 32 and 33. The telescoping movement of arm (396) moves the plate (316) as recited in claim 34.

4. Claims 31 and 32 are rejected under 35 U.S.C. § 102(b) as being anticipated by Risner et al (cited by applicant). Risner et al shows a wheelchair lift comprising:

- a platform (40) for carrying a passenger;

- a lifting mechanism (frame 20 and reciprocating motor means 80) secured at one end to a vehicle and at the other end to the platform (40) adjacent to an inboard end of the platform (40) for moving the platform between a ground level position, a transfer level position and a vertically-stowed position, wherein the lifting mechanism comprises a vertical arm (frame 20 is considered as having an overall vertical orientation or at time completely vertical, see figure III) secured adjacent to the inboard end of the platform (40);

- a plate (bridge plate 78) pivotally connected to the inboard end of the platform (40) and moveable between a raised barrier position and a lowered bridging position; and

- a linkage (lever 73) coupled to the plate (78) for moving the plate between the raised barrier position and the lowered bridging position, the linkage extending between a location on the vertical arm of the lifting mechanism and the platform for moving the platform from the transfer level position to the

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vertically-stowed position, wherein the linkage comprises a telescoping member (as it moves in slot 75).

The linkage has a first arm (lever 73) extending from the lifting mechanism (20) and a second arm (85) extending from the platform, as recited in claim 32.


5. Claims 36-40 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ringdahl et al '693. Ringdahl et al '693 shows a wheelchair lift comprising a platform (308) for carrying a passenger, a lifting mechanism (320, 334, 388, 336, and 340) secured at one end to a vehicle for moving the platform (308) between a ground level position, a transfer level position and a vertically-stowed position, the lifting mechanism having a vertical arm (340) extending to and pivotably secured to the platform at an axis on the platform, a plate (316) pivotally connected to the inboard end of the platform and movable between a raised barrier position and a lowered bridging position, a linkage (368, 370) extending between a location on the vertical arm of the lifting mechanism and the platform for moving the platform from the transfer level position to the vertically stowed position, and an actuator (396, 398) coupling the linkage and the plate for moving the plate between the raised barrier position and the lowered bridging position. The linkage (368 and 370) are arms of different lengths, as recited in claim 37. Housing (346) can also be considered as part of the linkage as one of the longer arms, as to have the actuator coupled to the longer arm, as recited in claim 38. As cam following arm (390) is connected to housing (346) it can be considered as part of the first linkage as to have the lifting mechanism (at 388) moving the actuator (396/398) to raise the plate (316), as recited in claims 39 and 40.

6. Claims 36, 37, 39 and 40 are rejected under 35 U.S.C. § 102(b) as being anticipated by Risner et al. Risner et al shows a wheelchair lift comprising a platform (40) for carrying a passenger, a lifting mechanism (20 and 80) secured at one end to a vehicle for moving the platform (40) between a ground level position, a transfer level position and a vertically-stowed position, the lifting mechanism having a vertical arm (20) extending to and pivotably secured to the platform at an axis on the platform, a plate (78) pivotally connected to the inboard end of the platform and movable between a raised barrier position and a lowered bridging position, a linkage (85) extending between a location on the vertical arm (20) of the lifting mechanism and the platform (40) for moving the platform from the transfer level position to the vertically stowed position, and an actuator (73) coupling the linkage (85) and the plate (78) for moving the plate between the raised barrier position and the lowered bridging position. The linkage (368 and 370) are arms of different lengths (on each side of slot 87), as recited in claim 37. The lifting mechanism acts on the linkage (85) to move the actuator (73) to move the plate (78), as recited in claims 39 and 40.

7. Claims 21, 23-25 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and the intervening claims.

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8. Applicant's remarks in the amendment filed May 25, 2006, have been fully considered, but are deemed moot in view of the above new rejections. The late incorporation of the Risner et al reference and the second embodiment of the Ringdahl et al reference within the rejections is regretted. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Ms. Katherine Matecki, can be reached at (571) 272-6951. The fax number for all patent applications is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 8/6/06
Thomas J. Brahan
Primary Examiner
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